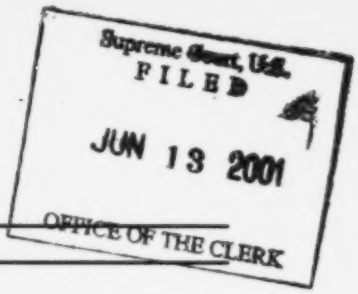
(3)



No. 00-1601

IN THE

Supreme Court of the United States

WENDELL D. BELDEN

Petitioner,

v.

THE BOARD OF DIRECTORS OF THE COUNCIL OF UNIT OWNERS OF ISLAND PARK, an Oklahoma Unit Ownership Estate, ISLAND PARK LIMITED PARTNERSHIP, CORLETT ENTERPRISES, L.L.C., An Oklahoma Limited Liability Company, and CLIFF WOODBURY,

Respondents.

On Petition For Writ Of Certiorari
To The Supreme Court of Oklahoma

REPLY TO BRIEF IN OPPOSITION

Mark E. Hardin
Counsel of Record
5110 S. Yale
Suite 100
Tulsa, OK 74135
(918) 492-5541

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21 pp

REPLY TO BRIEF IN OPPOSITION

Pursuant to Supreme Court Rule 15.6, Petitioner, Wendell D. Belden, hereby submits the following reply to the Respondent's Brief in Opposition.

BRIEF REMINDER OF THE FACTS

Petitioner purchased several strips of land from a Bankruptcy Trustee for the purpose of attaching a boat dock. The Respondents filed two Objections to the sale. The first Objection was based on a claim of adverse possession to the subject property. The Second Objection claimed that the Trustee's legal description incorrectly included another tract to which Respondents claimed adverse possession.

However, Respondents abandoned their claims and allowed the sale to proceed when it became apparent that the Bankruptcy interrupted the fifteen-year statute of limitations. Respondents then filed a quiet title suit in State Court on June 5, **1998**. One year later, Petitioner threatened a lawsuit for violation of the Bankruptcy Automatic Stay. Respondents then sought relief from the Stay by motion filed on July 12, **1999**. Because the trial was only one month away, Petitioner's previous attorney signed the Agreed Order Lifting the Stay, but Petitioner did not waive his right to challenge the jurisdiction of the State Court.

The State Court case proceeded on Respondents' only claim: adverse possession. When it became apparent that even the State Court agreed that the adverse possession claim must fail, Respondents amended their Petition to add a claim for reformation of deed. The State Court held that Petitioner could not be a bona fide purchaser because he had knowledge of the Respondents' claim, which at the time of purchase was a facially invalid claim for adverse possession.

The State Court reformed several deeds and awarded the most valuable tract of land to Respondent Island Park Limited. The State Appellate Courts have affirmed the trial court.

MISSTATEMENTS OF FACT CONTAINED IN RESPONDENTS' BRIEF IN OPPOSITION

Respondents' Brief in Opposition contains misstatement of facts and omissions that should be noted by the Court when analyzing this case.

First, the Respondents would have this Court believe that Bob Corlett, individually, was the only person associated with the Respondents who took part in the Bankruptcy Proceedings. However, even a cursory review of the Objections filed in the Bankruptcy Court reveals that the Objections were filed on behalf of Corlett Enterprises, L.L.C. and Island Park Homeowners Association. The Board of Directors of the Council of Unit Owners of Island Park commonly does business as "Island Park Homeowners Association." Corlett took over the development of Island Park and makes all claims of title through Island Park Limited. The Objections have been reprinted in the Appendix hereto as Exhibits A and B.

Next the Respondents would have this Court believe that Petitioner always had notice of Respondents' reformation of deed claim. Respondents falsely state in their brief that their State Court Petition was filed on June 5, 1998, as a claim for adverse possession **and** for reformation of deed. However, when one compares the original Petition filed on June 5, **1998**, with the Amended Petition filed on July 16, **1999**, it becomes crystal clear that the reformation of deed claim was not contained in the original Petition, but was in fact added over one year later as Paragraph III of the Amended Petition.

The Amended Petition added the reformation of deed claim just one month before the August 19, 1999, trial and just days after Petitioner's previous attorney agreed to have the Bankruptcy Stay lifted. Petitioner had no notice of the reformation of deed claim at the time he purchased the property. The Original Petition and the Amended Petition have been reprinted in the Appendix hereto as Exhibits C and D.

Respondents correctly state that they presented evidence at trial to show that the original Grantor intended to convey the tracts in question, but omitted the tracts by scrivener's error. The evidence presented was a statement made by Davis (the original grantor) in a deposition taken in Arizona and paid for by Respondent Corlett. Corlett was Davis' loyal employee for many years. Petitioner did not appear at the Arizona deposition.

Respondents incorrectly state that Davis' statements were the only evidence presented at trial to show his intent as the Grantor. Respondents also entered into evidence several deeds.

Because Respondents make reference to these deeds in their Brief, it is important to point out that in one deed alone (Davis to McClure), Davis added twenty-six lines of complicated legal description that specifically omitted most of the land in question. The McClure deed was entered into evidence and on its face contradicted Davis' statement that he omitted the property by scrivener's error. Twenty-six lines of added language is not a scrivener's error.

Petitioner's former attorney did agree that the Judge could view the properties to put their layout into perspective. However, nothing in the pre-trial order or any other part of the record indicates that an easement by necessity was going to be considered at

trial. The trial transcript further reflects that an easement was not one of the issues presented for trial. Furthermore, no objection to the easement and no request for continuance were made at trial because the final order was Petitioner's first notice of the easement.

It is also true that Petitioner testified that he did not intend to prevent access to his fellow condo owners. However, that does not mean that he consented to a permanent and gratuitous easement over his property. Just because Petitioner objects to the easement does not mean he changed his mind.

CONCLUSION

The Petitioner purchased the property in open court with representatives of the Respondents present. Respondents allowed the sale to proceed. Although Respondents wrongfully filed a subsequent State Court proceeding. Petitioner's allowing the State Court case to proceed and his subsequent appeal to this Court was the proper procedure.[1] The Court should not be swayed by Respondents' blatant misstatement of the facts and should grant Petitioner's Petition for Certiorari.

Respectfully Submitted,

Mark E. Hardin
Counsel of Record
5110 S. Yale, Suite 100
Tulsa, OK 74135
(918) 492-5541
Attorney for Petitioner

[1] See *Rivit v. Regions Bank of Louisiana*, 522 U.S. 470, 478 (1998) Holding that Claim Preclusion by reason of a prior Federal Judgment is a defensive plea that does not provide a basis for removal. Such a defense is properly made in the State proceedings, and the State Court's disposition of it is subject to United States Supreme Court's ultimate review.

APPENDIX "A"
THE FIRST BANKRUPTCY OBJECTION

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED
98 FEB-2 PM 3:49
DOROTHY EVANS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLA

IN RE:	)	
	)	
CHARLES J. DAVIS,	)	
d/b/a Shangri-La,	)	
	)	Case No. 86-00345-M
	)	(Chapter 11)
Debtor.	)	

OBJECTION TO SALE OF REAL PROPERTY FREE AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES

Corlette Enterprises L.L.C. ("Corlette") and Island Park Homeowners Association ("Island"), hereby object to the trustee's Notice and Motion for Order Authorizing Sale of Real Property of the Estate, Free and Clear of all Liens, Claims and Encumbrances Pursuant to 11 U.S.C. §363. Corlette and Island object because the property which the trustee proposes to sell ("the subject property") is not property of this bankruptcy estate. Although title to the subject property was in the name of Charles J. Davis and Isla B. Davis, husband and wife, at the time of the bankruptcy filing of Charles J. Davis, the subject property is subject to the interests of Corlette and Island, acquired through adverse possession.

The subject property can be sold by the trustee free and clear of the interest of an entity other than the bankruptcy estate only if one of the conditions of 11 U.S.C. §363 is met. It is the trustee's burden to do so.

WHEREFORE, Corlette and Island request that the trustee's Motion to sell the subject property free and clear of their interests be denied.

Dated at Tulsa, Oklahoma this 2nd day of February, 1998.

/s/ Sidney K. Swinson
Sidney K. Swinson, OBA #8804
Elizabeth R. Muratet, OBA # 10516
Gable Gotwals Mock Schwabe
Kihle Gaberino
15 W. 6th St., Ste 2000
Tulsa, OK 74119-5447
918-582-9201
918-586-8383 (fax)

CERTIFICATE OF SERVICE

I do hereby certify that on the 2nd of February, 1998, a true, correct and exact copy of the above and foregoing document was served by placing same in the United States mail, with proper postage thereon duly prepaid, addressed as follows:

Katherine Vance
Assistant United States Trustee
224 S. Boulder Ave., Ste 225
Tulsa, OK 74103

Patick J. Malloy, III
Malloy & Malloy
1924 S. Utica, Ste 810
Tulsa, OK 74104-6515

/s/ Sidney K. Swinson
Sidney K. Swinson

APPENDIX "B"
THE SECOND BANKRUPTCY OBJECTION

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

	)	**FILED**
	)	**98 APR-15 PM 4:26**
IN RE:	)	**DOROTHY EVANS, CLERK**
	)	**U.S. BANKRUPTCY COURT**
CHARLES J. DAVIS,	)	**NORTHERN DISTRICT OF OKLA**
d/b/a Shangri-La,	)	
	)	Case No. 86-00345-M
	)	(Chapter 11)
Debtor.	)	

OBJECTION TO TRUSTEE'S SALE OF DEBTOR'S INTEREST IN REAL PROPERTY

Corlette Enterprises L.L.C. and Island Park Homeowners Association, hereby object to the trustee's Notice and Motion for Order Authorizing Sale of Debtor's Interest in Real Property Without Warranty or Representation of any Kind, filed March 26, 1998, to the extent the trustee proposes to sell an interest in property in which the bankruptcy estate owns no interest ("the subject property"), described in the attached Exhibit A. Objectors claim an interest in the subject property which is the subject of a quiet title action pending in the District Court of Delaware County, Oklahoma, designated as Case No. CV-98-138. A conveyance by the trustee to Wendell D. Belden will further cloud the title to the subject property.

WHEREFORE, Objectors request that the Trustee's Notice and Motion be denied to the extent that he requests authorization to convey to the purchaser an interest in the subject property.

Dated at Tulsa, Oklahoma this 15th day of April, 1998.

/s/ Sidney K. Swinson
Sidney K. Swinson, OBA #8804
Gable Gotwals Mock Schwabe
Kihle Gaberino
15 W. 6th St., Ste 2000
Tulsa, OK 74119-5447
918-582-9201
918-586-8383 (fax)

Attorneys for Corlette Enterprises, L.L.C.
and Island Park Homeowners Association

CERTIFICATE OF SERVICE

I do hereby certify that on the 15th of April, 1998, a true, correct and exact copy of the above and foregoing document was served by placing same in the United States mail, with proper postage thereon duly prepaid, addressed as follows:

Patick J. Malloy, III
Malloy & Malloy
1924 S. Utica, Ste 810
Tulsa, OK 74104-6515

/s/ Sidney K. Swinson
Sidney K. Swinson

APPENDIX "C"

THE ORIGINAL PETITION

IN THE DISTRICT COURT IN AND FOR DELAWARE COUNTY, STATE OF OKLAHOMA

THE BOARD OF DIRECTORS OF THE COUNCIL OF UNIT OF ISLAND PARK, AN OKLAHOMA UNIT OWNERSHIP ESTATE, ISLAND PARK LIMITED, AN OKLAHOMA LIMITED PARTNERSHIP, CORLETT ENTERPRISESM, LLC, AN OKLAHOMA LIMTED LIABILITY COMPANY, AND CLIFF WOODBURY,	)	**FILED** **JUNE 05 1998** **JUDY E. LARMON** **DELAWARE COUNTY COURT CLERK**
Plaintiffs,	)	
vs.	)	
WENDELL D. BELDEN,	)	No. CV-98-222
Defendant.	)	

PETITION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER

COME NOW Plaintiffs, and for their cause of action against the Defendant herein named, allege and state:

I

That the Plaintiffs, Island Park Limited, an Oklahoma Limited Partnership, and Corlett Enterprises, L.L.C., and Oklahoma Limited Liability Company, are the owners of and are in actual, open, peaceable possession of the following described real property, to wit:

Part of the NW/4 NE/4 of Section 16, Township 24 North, Range 23 East of the I.B.M., Delaware County, Oklahoma being more particularly described as follows: From the NE corner of said NW/4 NE/4 run S. 89° 50' 00" W. 1085.25 feet along the North line of said NW/4 NE/4; thence South 16.50 feet to a found iron pin, being the point of beginning; thence S. 89° 50' 00" W. 120.66 feet to the G.R.D.A. Taking Line; thence S. 66° 38' 00" W. 114.01 feet along said Taking Line to a found iron pin on the West line of said NW/4 NE/4; thence S. 00° 03' 52" W. 622.52 feet leaving said Taking Line along said West line to a point on said Taking Line; thence N. 52° 24' 00" E. 48.75 feet along said Taking Line; thence N. 00° 16' 00" E. 209.87 feet leaving said Taking Line; thence S. 89° 32' 07" W. 19.04 feet; thence North 77.50 feet to a found iron pin; thence 189.12 feet along a curve to the right with a radius of 155.00 feet and a chord of N. 35° 03' 14" E. 177.60 feet to a found iron pin; thence 113.65 feet along a curve to the right with a radius of 358.00 feet and a chord of N. 79° 06' 08" E. 113.17 feet to the point of beginning. Containing 0.52 acres, more or less. Being subject to any and all easements of record. LESS AND EXCEPT: Part of the NW/4 NE/4 of said Section 16, Township 24 North, Range 23 East, being more particularly described as follows: From the NE corner of said NW/4 NE/4 run South 539.69 feet; thence West 1302.30 feet to the point of beginning; thence West 18.30 feet to the West line of said NW/4 NE/4; thence S. 00° 03' 03" W. 151.13 feet along said West line to the G.R.D.A Taking Line; thence N. 55° 24' E. 27.43 feet along said Taking Line; thence N. 03° 22' 23" W. 97.11 feet leaving said Taking Line; thence N. 02° 23' 03" E. 38.64 feet to the point of beginning. Containing 0.06 acres, more or less. Being subject to any and all easements of record.

II

That the Council of Unit Owners of Island Park has an interest in that part of the above described real property which constitutes common elements of the Unit Ownership Estate, as well as the traveling public.

III

That the Defendant named in the caption of this Petition, Wendell D. Belden, claims some right, title, lien, estate, encumbrance, claim, assessment or interest in and to the real property herein described, adverse to the Plaintiffs, which constitutes a cloud on Plaintiffs' title and said Defendant has no right, title, lien, estate, encumbrance, claim, assessment or interest either in law or in equity in and to the real property involved herein, and title to said real property should be quieted in said Plaintiffs, and said Defendant, and every person claiming by, through or under him should be forever barred, foreclosed and enjoined from hereafter asserting any claim of right, title, interest, lien or estate in said real property adverse to the said Plaintiffs.

IV

That Plaintiffs and their predecessors in title have been in actual, continuous, hostile, open, notorious and exclusive possession of the real property herein described for a period of more than fifteen (15) years prior to the filing of this Petition and during such time Plaintiffs have improved and maintained the property and exercised complete and exclusive dominion and control over the premises, paying all taxes thereon and receiving all profits therefrom and said Plaintiffs are now the owners of said property, not only the record title but also by prescription, and the claims of all persons in and against this real property

of some right , title, interest, lien, encumbrance, estate or claim is now barred by the Statute of Limitations and the Prescription Laws of the State of Oklahoma and title to the above described real property should be quieted in said Plaintiffs.

V

That the Plaintiffs hereby make application for a temporary Order enjoining and restraining the Defendant, Wendell D. Belden, and those persons acting by, through or under him, from making any improvements on or attaching anything to the subject premises, and from interfering with other persons' use of same for ingress and egress. Plaintiffs further allege that they have no adequate remedy at law, and that irreparable harm will result if Defendant is not enjoined and restrained as set forth above.

WHEREFORE, Plaintiffs pray that the fee simple title in and to said real property herein described be quieted in the Plaintiffs, Island Park Limited, an Oklahoma Limited Partnership, and Corlett Enterprises, L.L.C., an Oklahoma Limited Liability Company; that this Court enter its Order enjoining and restraining the Defendant, Wendell D. Belden, from making any improvements on or attaching anything to the subject premises, and from interfering with other person' use of same for ingress and egress; that the Defendant named herein be required to set up in this action any right, title, interest or claim that he might have in and to said real property herein described; that the Defendant named in the caption hereof be forever barred, foreclosed and enjoined from hereafter asserting any right, interest or estate in said premises adverse to the said Plaintiffs; for further decree establishing Plaintiffs' title as shown herein, as merchantable, both by record and by adverse possession and forever barring the Defendant and all

persons claiming by, though or under him or any of them from ever claiming or asserting any right, title, interest, lien or estate in and to said premises; and for all such other and further relief as Plaintiffs may in law and equity be entitled to receive.

THE BOARD OF DIRECTORS OF THE COUNCIL OF UNIT OWNERS OF ISLAND PARK, AN OKLAHOMA UNIT OWNERSHIP ESTATE, ISLAND PARK LIMITED, AN OKLAHOMA LIMITED PARTNERSHIP, AND CORLETT ENTERPRISES, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, Plaintiffs

By: /s/ Richard D. James
RICHARD D. JAMES, OBA #4617
W. NEIL WILSON, OBA #9753
Attorneys for Plaintiffs
WALLACE, OWENS, LANDERS, GEE, MORROW, WILSON, WATSON & JAMES
P.O. Box 1018
Jay, Oklahoma 74346
(918) 253-6208

VERIFICATION

STATE OF OKLAHOMA)
)
COUNTY OF DELAWARE) SS.

Richard D. James, being first duly sworn upon oath, states: That he is one of the attorneys for Plaintiffs herein and is authorized to make this Verification on their behalf; that the documents upon which Plaintiffs' Petition is based are in the possession

of said attorney; that he has read the above and foregoing Petition and is familiar with the contents thereof; and that the matters set for the therein are true and correct, to the best of his information, knowledge and belief.

/s/ Richard D. James
Richard D. James

Subscribed and sworn to before me this 5th day of June, 1998.

/s/Martha L. Robinson
NOTARY PUBLIC

My commission expires:
9-25-2001

APPENDIX "D"

THE AMENDED PETITION

IN THE DISTRICT COURT IN AND FOR DELAWARE COUNTY, STATE OF OKLAHOMA

THE BOARD OF DIRECTORS OF THE COUNCIL OF UNIT OF ISLAND PARK, AN OKLAHOMA UNIT OWNERSHIP ESTATE, ISLAND PARK LIMITED, AN OKLAHOMA LIMITED PARTNERSHIP, CORLETT ENTERPRISESM, LLC, AN OKLAHOMA LIMTED LIABILITY COMPANY, AND CLIFF WOODBURY,	)	**FILED JULY 16 1999 CAROLINE M. WEAVER DELAWARE COUNTY COURT CLERK**
Plaintiffs,	)	
vs.	)	
WENDELL D. BELDEN,	)	No. CV-98-222
Defendant.	)	

AMENDED PETITION

COME NOW Plaintiffs, and for their cause of action against the Defendant herein named, allege and state:

I

That the Plaintiffs, Island Park Limited, an Oklahoma Limited Partnership, and Corlett Enterprises, L.L.C., and Oklahoma Limited Liability Company, are the owners of and are in actual, open, peaceable possession of the following described real property, to wit:

Part of the NW/4 NE/4 of Section 16, Township 24 North, Range 23 East of the I.B.M., Delaware County, Oklahoma being more particularly described as follows: From the NE corner of said NW/4 NE/4 run S. 89° 50' 00" W. 1085.25 feet along the North line of said NW/4 NE/4; thence South 16.50 feet to a found iron pin, being the point of beginning; thence S. 89° 50' 00" W. 120.66 feet to the G.R.D.A. Taking Line; thence S. 66° 38' 00" W. 114.01 feet along said Taking Line to a found iron pin on the West line of said NW/4 NE/4; thence S. 00° 03' 52" W. 622.52 feet leaving said Taking Line along said West line to a point on said Taking Line; thence N. 52° 24' 00" E. 48.75 feet along said Taking Line; thence N. 00° 16' 00" E. 209.87 feet leaving said Taking Line; thence S. 89° 32' 07" W. 19.04 feet; thence North 77.50 feet to a found iron pin; thence 189.12 feet along a curve to the right with a radius of 155.00 feet and a chord of N. 35° 03' 14" E. 177.60 feet to a found iron pin; thence 113.65 feet along a curve to the right with a radius of 358.00 feet and a chord of N. 79° 06' 08" E. 113.17 feet to the point of beginning. Containing 0.52 acres, more or less. Being subject to any and all easements of record. LESS AND EXCEPT: Part of the NW/4 NE/4 of said Section 16, Township 24 North, Range 23 East, being more particularly described as follows: From the NE corner of said NW/4 NE/4 run South 539.69 feet; thence West 1302.30 feet to the point of beginning; thence West 18.30 feet to the West line of said NW/4 NE/4; thence S. 00° 03' 03" W. 151.13 feet along said West line to the G.R.D.A Taking Line; thence N. 55° 24' E. 27.43 feet along said Taking Line; thence N. 03° 22' 23" W. 97.11 feet leaving said Taking Line; thence N. 02° 23' 03" E. 38.64 feet to the point of beginning. Containing 0.06 acres, more or less. Being subject to any and all easements of record.

II

That the Council of Unit Owners of Island Park has an interest in that part of the above described real property which constitutes common elements of the Unit Ownership Estate, as well as the traveling public.

III

That the above described real estate and premises were formerly owned by Charles J. Davis and Isla B. Davis, husband and wife, and intended to be conveyed as part of the real estate and premises described in the warranty deed recorded in Book 327 at Page 219 of the records of the County Clerk of Delaware County, Oklahoma, whereby the said Charles J. Davis and Isla B. Davis, husband and wife, conveyed to Leroy Ebling, predecessor in title of Plaintiffs herein. That through scrivener's error, the real estate and premises which were the subject matter of such conveyance were incorrectly described and that said deed, and any other conveyances from Charles J. Davis and Isla B. Davis to Plaintiffs or their predecessors in title, should be reformed consistent with the intent of the parties thereto, to include the real estate and premises described in Paragraph I above.

IV

That the Defendant named in the caption of this Petition, Wendell D. Belden, claims some right, title, lien, estate, encumbrance, claim, assessment or interest in and to the real property herein described, adverse to the Plaintiffs, which constitutes a cloud on Plaintiffs' title and said Defendant has no right, title, lien, estate, encumbrance, claim, assessment or interest either in law or in equity in and to the real property involved herein, and title to said real property

should be quieted in said Plaintiffs, and said Defendant, and every person claiming by, through or under him should be forever barred, foreclosed and enjoined from hereafter asserting any claim of right, title, interest, lien or estate in said real property adverse to the said Plaintiffs.

V

That Plaintiffs and their predecessors in title have been in actual, continuous, hostile, open, notorious and exclusive possession of the real property herein described for a period of more than fifteen (15) years prior to the filing of this Petition and during such time Plaintiffs have improved and maintained the property and exercised complete and exclusive dominion and control over the premises, paying all taxes thereon and receiving all profits therefrom and said Plaintiffs are now the owners of said property, not only the record title but also by prescription, and the claims of all persons in and against this real property of some right , title, interest, lien, encumbrance, estate or claim is now barred by the Statute of Limitations and the Prescription Laws of the State of Oklahoma and title to the above described real property should be quieted in said Plaintiffs.

VI

That the Plaintiffs hereby make application for a temporary Order enjoining and restraining the Defendant, Wendell D. Belden, and those persons acting by, through or under him, form making any improvements on or attaching anything to the subject premises, and from interfering with other person' use of same for ingress and egress. Plaintiffs further allege that they have no adequate remedy at law, and that irreparable harm will result if Defendant is not enjoined and restrained as set forth above.

WHEREFORE, Plaintiffs pray that the fee simple title in and to said real property herein described be quieted in the Plaintiffs, Island Park Limited, an Oklahoma Limited Partnership, and Corlett Enterprises, L.L.C., an Oklahoma Limited Liability Company; that the conveyances from Charles J. Davis and Isla B.Davis to Plaintiffs and their predecessors in title be reformed to properly reflect the intent of the parties thereto; that the Defendant named herein be required to set up in this action any right, title, interest or claim that he might have in and to said real property herein described; that the Defendant named in the caption hereof be forever barred, foreclosed and enjoined from hereafter asserting any right, interest or estate in said premises adverse to the said Plaintiffs; for further decree establishing Plaintiffs' title as shown herein, as merchantable, both by record and by adverse possession and forever barring the Defendant and all persons claiming by, though or under him or any of them from ever claiming or asserting any right, title, interest, lien or estate in and to said premises; and for all such other and further relief as Plaintiffs may in law and equity be entitled to receive.

THE BOARD OF DIRECTORS OF THE COUNCIL OF UNIT OWNERS OF ISLAND PARK, AN OKLAHOMA UNIT OWNERSHIP ESTATE, ISLAND PARK LIMITED, AN OKLAHOMA LIMITED PARTNERSHIP, AND CORLETT ENTERPRISES, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, Plaintiffs

By: /s/ Richard D. James
RICHARD D. JAMES, OBA #4617
W. NEIL WILSON, OBA #9753
Attorneys for Plaintiffs
WALLACE, OWENS, LANDERS,
GEE, MORROW, WILSON,
WATSON & JAMES
P.O. Box 1018
Jay, Oklahoma 74346
(918) 253-6208

VERIFICATION

STATE OF OKLAHOMA)
)
COUNTY OF DELAWARE) SS.

Richard D. James, being first duly sworn upon oath, states: That he is one of the attorneys for Plaintiffs herein and is authorized to make this Verification on their behalf; that the documents upon which Plaintiffs' Petition is based are in the possession of said attorney; that he has read the above and foregoing Petition and is familiar with the contents thereof; and that the matters set for the therein are true and correct, to the best of his information, knowledge and belief.

/s/ Richard D. James
Richard D. James

Subscribed and sworn to before me this 7th day of July, 1999.

/s/Martha L. Robinson
NOTARY PUBLIC

My commission expires:
9-25-2001